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TO: Examiner Kaushik Patel
COMPANY: Commissioner for Patents
FAX NO: 1-571-273-8300
DATE: May 16, 2006
FROM: Patrick J. O'Shea
RE: U.S. Patent Appln. No. 10/763,048
Our File: 7867

NO. OF PAGES TO FOLLOW: 2

REMARKS:

Please see the attached Communication.

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MAY 16 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Herz et al. GROUP: 2186
SERIAL NO: 10/763,048 EXAMINER: Kaushik Patel
FILING DATE: January 22, 2004
FOR: STORAGE DEVICE FOR A MULTIBUS ARCHITECTURE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

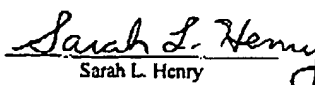
Sir:

COMMUNICATION

On March 23, 2006, a first Official Action in this application was mailed to the undersigned, Applicant's representative. On that very same day, the undersigned mailed a Second Preliminary Amendment using a First Class Certificate of Mailing, together with a Change of Correspondence Address. The Second Preliminary Amendment made some amendments to the specification and to claims 1-10, and added claims 20-29. The Official Action based its examination on the application as it was filed with claims 1-10, together with a first Preliminary Amendment which amended claims 1-10, mailed to the PTO on September 2, 2004.

Realizing that the first Official Action and the Second Preliminary Amendment "crossed in the mail", a partner of the undersigned, Richard H. Kosakowski, Reg. No. 33,934, spoke with

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to the Commissioner of Patents and Trademarks, Alexandria, VA, 22313-1450 at facsimile number (571) 273-8300 on the date below.



Sarah L. Henry
5/16/06
Date

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Examiner Patel on May 12, 2006 and informed him about the Second Preliminary Amendment and the Official Action being mailed on the same day and crossing in the mail. On May 15, 2006, Examiner Patel phoned Attorney Kosakowski and requested that a written communication be provided to the PTO requesting that the first Official Action be withdrawn and that the Second Preliminary Amendment be entered and considered. Therefore, Applicant hereby requests that the Official Action, mailed March 23, 2006, be withdrawn and that the Second Preliminary Amendment, also mailed March 23, 2006, be considered.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,



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